IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 4832 of 2005

Between:

Emmannagari Papanna S/o E. Peddaiah
R/o D. No. 7/3438, Srinivasa Nagar,

Prodduttur, Kadapa district

..... PETITIONER

AND

1 Secretary, Regional Transport Authority, Kadapa
2 Motor Vehicle Inspector, Kadapa Kadapa District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandmaus declaring the seizure and continued detention of petitioner's stage carriage vehicle bearing Reg. TN-01-N.0120 seized under vehicle check report No. 0792037 dated 50-03-2005 by the 2nd respondent i.e., Motor Vehicles Inspector, Kadapah as arbitrary, illegal unconstitutional and without jurisdiction and consequently direct the respondents to forthwith release the petitioner's Stage Carriage Vehicle bearing Reg. TN-01-N.0120 to the petitioner and pass such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.RAJANIKANTH JWALA

Counsel for the Respondents: GP FOR TRANSPORT

The Court, at the admission stage, made the following :

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 4832 of 2005

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ORDER:

The petitioner has filed this writ petition seeking a direction to the respondents to release his Stage Carriage Vehicle bearing Regn.No.TN-01-N.0120 without insisting for payment of part fee, immediately to the petitioner by declaring the seizure of the same by the 2nd respondent vide Vehicle Check Report No.0792037, dated 05-03-2005 as illegal and arbitrary.

2. The vehicle in question belonging to the petitioner was seized on 05-03-2005 by the 2nd respondent on the ground of certain irregularities alleged to have been committed, which are mentioned in the vehicle check report No. 0792037. While so, the petitioner made a representation dated 07-03-2005 before the 1st respondent- Secretary, Regional Transport Authority for release of his vehicle but the same was rejected. Hence, the present writ petition.

3. Having regard to the facts and circumstances of the case, without going into the merits of the case, I consider it appropriate to dispose of the writ petition with a direction.

4. Therefore, the 1st respondent-Secretary, Regional Transport Authority is directed to release the vehicle for interim custody of the petitioner subject to the following conditions:

1. That the petitioner shall not transfer the vehicle to any other person without the permission of the 1st respondent.

2. That the petitioner shall not change the engine or any part of the vehicle.

3. That the petitioner shall produce the vehicle as and when required by the authorities concerned.

4. That the petitioner shall participate in the enquiry that is going to be conducted by the 1st respondent after receipt of show cause notice by filing his explanation.

5. That the tax, if any, may be adjusted out of the amount deposited by the petitioner as on today.

The 1st respondent may take further steps for recovery of the tax due, if any from the petitioner.

5. Accordingly, the writ petition is disposed of in terms of the above directions. There shall be no order as to costs.

March 11, 2005

Note:

Wire at party's costs.

B/o.

Kvr

To

1 The Secretary, Regional Transport Authority, Kadapa.
2 The Motor Vehicles Inspector,Kadapa, Kadapa District.

3 Two C.Cs to the GP for Transport, AP High Court Buildings,

High Court of AP, Hyderabad (O.U.T.)

4 Two C.D.Copies.